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January 29, 2020

VIA ECF

Hon. Carol Bagley Amon, U.S.D.J.
Hon. Cheryl L. Pollak, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Malancea v. MZL Home Care Agency LLC*
Docket No. 18-cv-00732 (CBA) (CLP)

Dear Judge Amon and Magistrate Judge Pollak:

This firm represents the Defendant MZL Home Care Agency LLC (“MZL”) in the above-referenced action. We write the Court to advise it of a significant development affecting this action. As the Court may recall, there is an putative class action pending in the New York State Supreme Court against MZL, styled *Lutfieva et al v. MZL Home Care Agency*, Index No.: 150740/2017 (N.Y. Cty.). The *Lutfieva* action arises out of the same facts and circumstances, covers the same employees and former employees, including Plaintiff Malancea, and asserts substantially similar claims under the New York Labor Law (“NYLL”), the Fair Labor Standards Act (“FLSA”) and the New York Wage Parity Act (“WPA”) as those asserted in this action. The filing of the *Lutfieva* action preceded the filing of this action.

The *Lutfieva* action has been settled on a class-wide basis¹ and the settlement has been filed with the New York Court for purposes of its approval. This settlement, which ostensibly includes Plaintiff Malancea, essentially moots most, if not all, the issues before this Court. While Malancea will remain free to participate or not in this settlement, she will be required at the appropriate time to make that decision for herself in accordance with the terms of the settlement.

MZL submits that the aforementioned settlement obviates the need for any further proceedings in this action with regard to the collective and class-wide treatment sought by Malancea in this action and requests that her motion for collective action treatment be terminated, and that, if necessary, Malancea’s action be stayed pending her decision in due course as to whether or not she will be participating in the *Lutfieva* settlement. We note that the parties are presently scheduled to appear before the Court on February 13, 2020 for a status conference. To the extent

¹ The settlement class is “All individuals employed as Home Health Care Workers by Defendant MZL Home Care Agency LLC (“MZL”) in New York from November 1, 2011 through and including December 31, 2018.”

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that the Court believes that such an appearance remains necessary, we propose that any issues arising in this action from the foregoing be addressed at that time.²

We thank the Court for its attention to this matter. Please let us know whether you require further information or clarification.

Sincerely,
s/ Philip K. Davidoff
PHILIP K. DAVIDOFF

cc: All counsel of record (*via* ECF)

² While we submit that the *Lutfieva* settlement moots the pending motion for conditional certification of a collective action under the FLSA, to the extent the Court believes a fuller response to the motion is necessary, we reserve the right to further respond and respectfully request that the Court grant Defendant additional time to do so.